

Exhibit A

From: Kelly, Laura
Sent: Thursday, March 28, 2024 5:39 PM
To: Bill Cash
Cc: Sims, Nancy; Totino, Edward; Boardman, Michael; Bradley Silverman (BSilverman@fbfglaw.com); Jason Ibey; Gil Melili
Subject: RE: Gromov v. Belkin International, Inc., Case No. 1:22-cv-06918
Attachments: Belkin_Gromov_Joint Motion to Extend Inspection Protocol Deadlines.docx

Bill,

I am following up on the attached draft joint motion to extend tomorrow's deadline as we will need to get this on file today to give the Court time to rule on it before the deadline passes. Could you please provide your input (or approval to file with your signature) by 6:30p ct today? Otherwise, Belkin will need to proceed with filing a motion to extend the deadline today (not as a joint motion) but will note that, per the parties' agreement, plaintiff does not oppose the request for an extension.

Thank you,
Laura

Laura Kelly
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From: Kelly, Laura <Laura.Kelly@bakermckenzie.com>
Sent: Thursday, March 28, 2024 4:02 PM
To: Bill Cash <bcash@levinlaw.com>
Cc: Sims, Nancy <Nancy.Sims@bakermckenzie.com>; Totino, Edward <Edward.Totino@bakermckenzie.com>; Boardman, Michael <Michael.Boardman@bakermckenzie.com>; Bradley Silverman (BSilverman@fbfglaw.com) <BSilverman@fbfglaw.com>; Jason Ibey <jason@kazlg.com>; Gil Melili <gil@kazlg.com>
Subject: RE: Gromov v. Belkin International, Inc., Case No. 1:22-cv-06918

Bill,

We intend to provide the written responses in advance of the meet-and-confer call. We would like to get the request for an extension of tomorrow's deadline on file today, so could you please provide your sign-off on the draft as soon as possible still today?

Thank you,
Laura

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From: Bill Cash <bcash@lewinlaw.com>
Sent: Thursday, March 28, 2024 3:53 PM
To: Kelly, Laura <Laura.Kelly@bakermckenzie.com>
Cc: Sims, Nancy <Nancy.Sims@bakermckenzie.com>; Totino, Edward <Edward.Totino@bakermckenzie.com>;
Boardman, Michael <Michael.Boardman@bakermckenzie.com>; Bradley Silverman (BSilverman@fbfglaw.com)
<BSilverman@fbfglaw.com>; Jason Ibey <jason@kazlg.com>; Gil Melili <gil@kazlg.com>
Subject: [EXTERNAL] RE: Gromov v. Belkin International, Inc., Case No. 1:22-cv-06918

Laura,

That is an OK time, providing we get written responses to our questions. Will we get those in advance of the call?

Bill Cash III

Of Counsel

Levin, Papantonio, Rafferty, Proctor, Buchanan, O'Brien, Barr, & Mougey, P.A.
316 South Baylen Street, Suite 600, Pensacola, Florida 32502
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From: Kelly, Laura <Laura.Kelly@bakermckenzie.com>
Sent: Thursday, March 28, 2024 11:04 AM
To: Bill Cash <bcash@lewinlaw.com>
Cc: Sims, Nancy <Nancy.Sims@bakermckenzie.com>; Totino, Edward <Edward.Totino@bakermckenzie.com>;
Boardman, Michael <Michael.Boardman@bakermckenzie.com>; Bradley Silverman (BSilverman@fbfglaw.com)
<BSilverman@fbfglaw.com>; Jason Ibey <jason@kazlg.com>; Gil Melili <gil@kazlg.com>
Subject: RE: Gromov v. Belkin International, Inc., Case No. 1:22-cv-06918

Bill,

How about 1p ct on Monday?

All the best,
Laura

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From: Bill Cash <bcash@lewinlaw.com>
Sent: Thursday, March 28, 2024 10:37 AM
To: Kelly, Laura <Laura.Kelly@bakermckenzie.com>
Cc: Sims, Nancy <Nancy.Sims@bakermckenzie.com>; Totino, Edward <Edward.Totino@bakermckenzie.com>;
Boardman, Michael <Michael.Boardman@bakermckenzie.com>; Bradley Silverman (BSilverman@fbfglaw.com)
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Subject: [EXTERNAL] RE: Gromov v. Belkin International, Inc., Case No. 1:22-cv-06918

Laura,

Thanks, I'll review. I would like us to set a firm time to talk on Monday before we file this.
What time works?

Bill Cash III

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From: Kelly, Laura <Laura.Kelly@bakermckenzie.com>
Sent: Thursday, March 28, 2024 10:33 AM
To: Bill Cash <bcash@lewinlaw.com>
Cc: Sims, Nancy <Nancy.Sims@bakermckenzie.com>; Totino, Edward <Edward.Totino@bakermckenzie.com>;
Boardman, Michael <Michael.Boardman@bakermckenzie.com>; Bradley Silverman (BSilverman@fbfglaw.com)
<BSilverman@fbfglaw.com>; Jason Ibey <jason@kazlg.com>; Gil Melili <gil@kazlg.com>
Subject: RE: Gromov v. Belkin International, Inc., Case No. 1:22-cv-06918

Bill,

Please find attached a draft joint motion to extend Friday's protocol deadline. Please let us know if you have any edits or if we are okay to finalize and file today with your signature.

We will separately be sending a draft pertaining to the broader case schedule for your review.

All the best,
Laura

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From: Kelly, Laura <Laura.Kelly@bakermckenzie.com>
Sent: Tuesday, March 26, 2024 2:22 PM
To: Bill Cash <bcash@levinlaw.com>
Cc: Sims, Nancy <Nancy.Sims@bakermckenzie.com>; Totino, Edward <Edward.Totino@bakermckenzie.com>;
Boardman, Michael <Michael.Boardman@bakermckenzie.com>; Bradley Silverman (BSilverman@fbfglaw.com)
<BSilverman@fbfglaw.com>; Jason Ibey <jason@kazlg.com>; Gil Melili <gil@kazlg.com>
Subject: RE: Gromov v. Belkin International, Inc., Case No. 1:22-cv-06918

Thanks, Bill. We will work on getting you drafts of the motions in the next day or so.

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From: Bill Cash <bcash@levinlaw.com>
Sent: Tuesday, March 26, 2024 2:17 PM
To: Kelly, Laura <Laura.Kelly@bakermckenzie.com>
Cc: Sims, Nancy <Nancy.Sims@bakermckenzie.com>; Totino, Edward <Edward.Totino@bakermckenzie.com>;
Boardman, Michael <Michael.Boardman@bakermckenzie.com>; Bradley Silverman (BSilverman@fbfglaw.com)
<BSilverman@fbfglaw.com>; Jason Ibey <jason@kazlg.com>; Gil Melili <gil@kazlg.com>
Subject: [EXTERNAL] Re: Gromov v. Belkin International, Inc., Case No. 1:22-cv-06918

Laura,

That's fine by us. You were there, you know that he wanted us to meaningfully confer. I am sure he'll grant it.

While I'm writing, you also discussed a draft of our other item for Friday—the dates you suggested in the lobby. Can I get that in the next day or so?

Bill Cash III
Levin Papantonio Rafferty
Pensacola, Fla.
Direct: 850-435-7059
Mobile: 614-264-1342

From: Kelly, Laura <Laura.Kelly@bakermckenzie.com>
Sent: Tuesday, March 26, 2024 3:11:44 PM
To: Bill Cash <bcash@levinlaw.com>
Cc: Sims, Nancy <Nancy.Sims@bakermckenzie.com>; Totino, Edward <Edward.Totino@bakermckenzie.com>;
Boardman, Michael <Michael.Boardman@bakermckenzie.com>; Bradley Silverman (BSilverman@fbfglaw.com)
<BSilverman@fbfglaw.com>; Jason Ibey <jason@kazlg.com>; Gil Melili <gil@kazlg.com>
Subject: RE: Gromov v. Belkin International, Inc., Case No. 1:22-cv-06918

Bill,

Thank you for providing these questions, which we are in the process of reviewing. Given your request for written responses to these before any meet-and-confer and limited availability until tomorrow afternoon, it does not appear that the parties will be able to meet and confer by COB today as the Court originally requested when contemplating the Friday deadline for any agreed or contested motion on the protocol.

We are happy to work on providing written responses before any call to discuss next steps, but we would ask that the parties agree to file a joint motion to extend the deadline for any agreed or contested motion as to the protocol by one week. This will give us time to respond in writing to your various queries and allow the parties sufficient time to meet and confer in order to hopefully reach a mutually agreeable protocol and prepare an appropriate agreed motion.

If you are amenable to this one-week extension, we will prepare a draft joint motion for an extension. Otherwise, we expect that the parties will comply with the court's deadline.

All the best,
Laura

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From: Bill Cash <bcash@levinlaw.com>
Sent: Tuesday, March 26, 2024 10:00 AM
To: Kelly, Laura <Laura.Kelly@bakermckenzie.com>
Cc: Sims, Nancy <Nancy.Sims@bakermckenzie.com>; Totino, Edward <Edward.Totino@bakermckenzie.com>;
Boardman, Michael <Michael.Boardman@bakermckenzie.com>; Bradley Silverman (BSilverman@fbfglaw.com)
<BSilverman@fbfglaw.com>; Jason Ibey <jason@kazlg.com>; Gil Melili <gil@kazlg.com>
Subject: [EXTERNAL] RE: Gromov v. Belkin International, Inc., Case No. 1:22-cv-06918

Laura,

I'm glad you wrote. I do have a set of questions for you.

Before we get on the phone, I would like to request numbered answers to each question in writing. That would give both sides some time to think and some reasonable assurance to us that there is not miscommunication during the call. Also, if the answers work out, maybe we don't need a call.

I have to appear in court in Alabama tomorrow at 1:30 and I have to fly this afternoon to get there. I would suggest that you take the day with our questions, and then we talk on Wednesday instead. I don't know how long the court will keep us, but I think I should be available from maybe 3:30pm to about 6pm CDT. (Then at 6pm or so, I have a flight home to catch.)

1. What is the identity of the person doing the test? If you won't disclose this, why?
2. What are his or her credentials? Please explain how he or she is qualified to do this work.

3. Is this test defined by any industry body? Is this a standard test?

4. Will you permit an observer to be present to confirm that sensitive data is not gathered? If not, why not? And if not, what assurance do you provide other than just trusting your expert?

You have given us two “options” for the test.

If the phone is “wiped,” then . . .

5. My expert points out that it is still possible to restore information after a phone is wiped. How can we be sure that your expert will not retrieve such information? Can you provide an assurance other than “trust us, we will not do that?”

6. A “wiped” phone would revert to the default settings, which are not necessarily the settings Gromov used. If the intent of the test is to test Gromov’s actual experience, how would these results be relevant or useful?

7. A “wiped” phone would not have the current updates to Android, including battery improvements made by Google. If the intent of the test is to test Gromov’s actual experience, how would these results be relevant or useful?

8. The only way to get security updates on an Android phone is to register a Google ID into the phone, that’s how you log onto the Google Play Store. This will involve synching data back to the phone post-wipe. How can we be assured Mr. Gromov’s privacy would be protected?

9. After wiping, there is no guarantee that Gromov can restore the phone to its current status—the configuration of the system, including settings and Android updates, as it exists now. In our view, that’s a destructive test. If we conduct our own rebuttal test later, we will not be able to say that the test was apples to apples. Why is your test not a destructive one that involves spoliation of the evidence?

10. Will you compensate Mr. Gromov for the expense and time of restoring his phone to its original condition?

If the phone is not “wiped,” then you proposed we would have to unlock the phone to ensure the absence of background apps. Questions . . .

11. What apps specifically?

12. My expert points out that a phone can have numerous apps and processes and there is no way to disable them all. For example, e-mail is a background app that periodically checks with a server for new mail. The operating system itself sometimes performs processes such as garbage collection. If your expert had access to an unlocked phone, how could your expert know which apps are running, other than going into the settings and looking at the identity of every single app?

13. How would you protect Mr. Gromov's private information during that inspection?

14. And how could your expert be sure that the operating system did not run background processes during the test?

15. Could Mr. Gromov or my expert disable the "background apps" instead? That way, your expert would not have to have access to an unlocked phone. That just might solve our privacy concern, our spoliation concern, and your concern for not having background apps present. What's your response?

Other questions:

16. How would you discharge the phone fully?

17. How we can be sure this does not degrade the phone's battery? (My expert says that a full discharge puts extra stress on the battery cell, which I think is common knowledge. Belkin itself says that the charge/discharge cycle affects battery life.

<https://www.belkin.com/support-article/?articleNum=318270>) If we tested the phone in rebuttal, isn't its condition different? Why is your test not spoliation of evidence or at least degradation of evidence?

18. All batteries degrade. If your test is designed to test Mr. Gromov's actual experience with the phone and with the Pocket Power 10K, how could it do that, knowing that the phone's battery has had years to deteriorate compared with when he first got the power bank? How is your test actually probative of anything?

19. What is a data logger? What specifically would be logged?

20. When you said in court that only a charging cable would be used, please define that. My expert says a cable with conductors only on the +5 and GND pins, but without conductors on the DATA- and DATA+ pins, would not be capable of accessing data on the phone. Would you agree to use that kind of cable?

21. If so, how can we be sure—other than just trusting you and your expert—that another cable couldn't also be plugged into the device?

22. Is your expert a Belkin employee?

23. Overall, please explain how this test is probative of issues in the case.

Bill Cash III

Of Counsel

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From: Kelly, Laura <Laura.Kelly@bakermckenzie.com>

Sent: Monday, March 25, 2024 1:28 PM

To: Bill Cash <bcash@levinlaw.com>

Cc: Sims, Nancy <Nancy.Sims@bakermckenzie.com>; Totino, Edward <Edward.Totino@bakermckenzie.com>; Boardman, Michael <Michael.Boardman@bakermckenzie.com>

Subject: Gromov v. Belkin International, Inc., Case No. 1:22-cv-06918

CAUTION: This email
message is **EXTERNAL**.

Bill,

Just following up on our discussion from Friday regarding the inspection protocol for your client's phone. Consistent with our discussions, could you please provide the list of questions you have concerning the attached protocol sent Thursday evening?

Please also let us know if you have availability to discuss sometime tomorrow afternoon so that the parties may resolve any lingering issues and submit an agreed protocol to the court by the end of this week.

Thank you,
Laura

Laura Kelly

Associate

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**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS**

DENNIS GROMOV, individually and on behalf of all other similarly situated,)	
)	
Plaintiff,)	Case No. 1:22-cv-06918
)	
v.)	Hon. Franklin U. Valderrama
)	
BELKIN INTERNATIONAL, INC.,)	Magistrate Judge Gabriel A. Fuentes
)	
Defendant.)	
)	

JOINT MOTION TO EXTEND THE INSPECTION PROTOCOL DEADLINE

Plaintiff Dennis Gromov (“Plaintiff”) and Defendant Belkin International, Inc. (“Belkin”), by and through their undersigned counsel, hereby jointly move the Court to extend the deadline to move to compel a protocol for the inspection of Plaintiff’s Samsung Galaxy phone by one week.

1. On February 28, 2024, the Court ordered that Plaintiff make his phone and the Pocket Power 10K device he purchased available for inspection by Belkin. (Dkt. 85 at 3.) Pursuant to that Order, the parties met and conferred regarding an inspection protocol but could not immediately reach an agreement.

2. At the discovery conference on Friday, March 22, 2024, the Court ordered the parties to meet and confer further regarding the proposed protocol by close of business Tuesday, March 26, 2024 and to file an agreed or contested motion as to that protocol by 5 p.m. on March 29, 2024. (*Accord* Dkt. 95.)

3. Immediately following the discovery conference, counsel for the parties conferred outside the courtroom and agreed that Plaintiff would provide a list of questions that he had about the protocol as a next step in the meet-and-confer process.

4. On Monday, March 25, Belkin's counsel contacted Plaintiff's counsel to follow up on Plaintiff's list of questions.

5. On Tuesday, March 26, Plaintiff responded with the list of questions. In that same communication, he requested that Belkin respond to the questions in writing prior to any meet and confer and further communicated that, due to travel, he would not be able to meet and confer until Wednesday afternoon at the earliest.

6. Given the deadlines set by the Court, Belkin suggested, and Plaintiff agreed, that the deadline related to the testing protocol should be continued by a week to allow the parties time to meaningfully meet and confer and hopefully reach agreement without the need for further court intervention.

7. The parties are working to confirm a time for a meet-and-confer discussion on Monday, April 1, 2024 in the hopes of avoiding any further unnecessary disputed motions.

Based on the foregoing, the parties respectfully request that the Court continue the deadline to bring any contested or agreed motion concerning the protocol for testing Plaintiff's mobile phone by one week to April 5, 2024.

Dated: March 28, 2024

Respectfully submitted,

/s/

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Counsel for Defendant Belkin International, Inc.

/s/ I

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